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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JASON KIBBEE, individually and on
behalf of all and (sic) others similarly
situated,

Plaintiff,

v.

SMITH-PALLUCK ASSOCIATES
CORP., d/b/a LAS VEGAS ATHLETIC
CLUBS,

Defendant.

Case No. 2:18-cv-01848-APG-GWF

**STIPULATION AND ORDER TO
WITHDRAW MOTION TO STAY
DISCOVERY PENDING RESOLUTION
OF DEFENDANT'S MOTION TO
DISMISS AND REQUEST TO VACATE
HEARING DATE**

Plaintiff Jason Kibbee ("Plaintiff") and Defendant Smith-Palluck Associates Corp., d/b/a Las Vegas Athletic Clubs ("LVAC") stipulate and agree to the following:

1. On November 16, 2018, LVAC filed a *Motion to Stay Discovery* (the "Motion") (ECF No. 8).

2. Plaintiff's response to the Motion was due November 30, 2018. However, Plaintiff and LVAC stipulated to extend Plaintiff's response. (ECF No. 12). In connection therewith, Plaintiff's response to the Motion was extended to December 10, 2018. (ECF No. 14).

3. The Court initially scheduled a hearing on the Motion for December 14, 2018 (ECF No. 10), and ultimately re-scheduled the hearing for January 15, 2019. (ECF No. 15).

4. On December 10, 2018, Plaintiff filed a First Amended Complaint (ECF No. 16). As a result, Plaintiff and LVAC have agreed to withdraw the Motion, and request that the hearing set for January 15, 2019 be vacated.¹

This stipulation is made in good faith and not for purposes of delay.

DATED this 11th day of December, 2018.

KNEPPER & CLARK LLC

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ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: 12/11/2018

¹ By filing this Stipulation, LVAC does not waive filing a subsequent Motion to Stay Discovery.